

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – SAN FRANCISCO

In the Matter of)	Case Nos. 08-O-12758-PEM; 12-TB-12884
)	
HARRY RONALD SAWL,)	ORDER OF INVOLUNTARY INACTIVE
)	ENROLLMENT AND ABATEMENT
Member No. 138044,)	
)	(Bus. & Prof. Code, § 6007, subd. (b)(1);
A Member of the State Bar.)	Rules Proc. of State Bar, rules 5.170 and
)	5.51(B))
_____)	

On March 14, 2012, respondent **Harry Ronald Sawl**, by and through his attorney, Arthur L. Margolis, requested that respondent be transferred to inactive enrollment and that the current pending State Bar proceeding, case No. 08-O-12758, against him be abated on the grounds that he is unable to assist in or conduct a defense in this disciplinary proceeding because of his medical condition. (Bus. & Prof. Code, § 6007, subd. (b)(1);¹ Rules Proc. of State Bar, rules 5.170 and 5.51(B).²)

On March 28, 2012, Deputy Trial Counsel Bruce Horace Robinson of the State Bar opposed respondent's motion, arguing that this matter should not be abated until there is a full

¹ Further references to section(s) are to the provisions of the Business and Professions Code.

² References to rule(s) are to the Rules of Procedure of the State Bar.

hearing on the issue of respondent's present inability to assist his counsel and his inability to participate in these disciplinary proceedings under *In the Matter of Respondent L* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 454.

In support of respondent's request, respondent submitted confidential medical opinions and reports alleging his inability to assist counsel in representing him due to his medical condition.

Dr. Tanya Warwick, respondent's treating neurologist, wrote: "I feel that his expressive aphasia does prohibit him from being able to assist or go through a legal proceeding. I do not feel that he is able to express himself in a manner that would be conducive to a fair accounting of events." Dr. Warwick viewed and signed her letter on February 21, 2012.

Dr. Howard Pitchon evaluated respondent on January 25, 2012, and opined that respondent's "present medical difficulties make him unable to participate in his own defense and to assist his counsel in his pending State Bar disciplinary proceeding. Consistent with Dr. Warwick's evaluation, I believe that his being forced to participate in such a proceeding would cause fatigue and, I believe, the combination of fatigue and stress would clearly worsen his neurologic deficits."

Based on a review of the medical opinions and reports, the court finds that there is clear and convincing evidence that involuntary inactive enrollment is warranted under section 6007, subdivision (b)(1),³ without further notice or hearing under rule 5.172(A), and that there is probable cause to believe that respondent is unable to assist in or conduct a defense because of his mental infirmity due to his medical condition and physical difficulties under rule 5.51(B).

A status conference was held on April 2, 2012.

³ Respondent will remain on inactive enrollment until he files a petition for transfer to active enrollment under rule 5.205.

ACCORDINGLY, the court **ORDERS** as follows:

1. Respondent Harry Ronald Sawl is involuntarily enrolled as an inactive member of the State Bar of California under section 6007, subdivision (b)(1), and rule 5.172(A), effective three days after this order is filed; and

2. The pending disciplinary proceeding, case No. 08-O-12758, is abated until **October 1, 2012**, at which time a status conference will be held to determine whether the pending matter should be unabated and an update of respondent's medical condition will be provided to determine the status of respondent's mental competence.

IT IS SO ORDERED.

Dated: April ____, 2012

PAT McELROY
Judge of the State Bar Court